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MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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WASHINGTON, D.C. 20036

SIDNEY T. MILLER (1884-1940)
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LEWIS H. PADDOCK (1888-1935)
FERRIS D. STONE (1882-1945)

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GDANSK, POLAND
WARSAW, POLAND

May 30, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

RECEIVED

MAY 30 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: FCC Docket No. 96-46
-- Ex Parte Filing

EX PARTE OR LATE FILED

Dear Mr. Secretary:

A number of the members of the U. S. Conference of Mayors telephoned Commissioners and key staff members on May 29, 1996 to reinforce the points made in the Conference's formal comments in this proceeding. These calls fall within Section 1.1206(a)(2) of the Commission's rules.

Some callers were told by Commission staff to FAX the Commission rather than call. Attached are copies of faxed communications sent by members of the U.S. Conference of Mayors on May 29 and which were received in the indicated offices of Commissioners and staff. We are filing these on behalf of the U.S. Conference of Mayors and its members in compliance with Section 1.1206(a)(1) of the rules.

Respectfully submitted,

MILLER CANFIELD, PADDOCK AND STONE, P.L.C.

By

Nicholas P. Miller

Attorney for
U.S. Conference of Mayors

NPM:cvt
Enclosures
WAFS145503.1\105825-00001

No. of Copies rec'd
041

Office of the Mayor

City of
Madison



Paul R. Soglin, Mayor

City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53710
608 266 4611
608 266 4443 (TDD/Device for Deaf)

May 29, 1996

Chairman Reed Hundt
FCC Commissioner
1919 M Street NW
Suite 814
Washington, DC 20554

RECEIVED

MAY 30 1996

Dear Commissioner Hundt:

It is my understanding that the Federal Communications Commission will be taking action tomorrow to establish the federal regulatory action governing Section 302 of the Telecommunications Act. This section establishes the framework governing deployment of the "Open Video Systems (OVS)" by local telephone companies, allowing those companies to offer cable television services to area customers.

I am strongly opposed to this rule because it preempts the authority and prerogative of local and state governments to establish franchise processes and to guide compensation, as well as to control the private uses of their own properties. The FCC should be focusing its actions on applicable federal policies and rules affecting OVS systems, not on issues that are more appropriately the responsibility of local and state governments.

Thank you for your consideration of a matter that is of great concern to local government.

Sincerely,



Paul R. Soglin
Mayor

PRS:pw

Office of the Mayor

City of
Madison



Paul R. Soglin, Mayor

City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53710
608 266 4611
608 266 4443 (TDD/Device for Deaf)

May 29, 1996

Ms. Susan Ness
FCC Commissioner
1919 M Street NW
Room 812
Washington, DC 20554

Dear Commissioner Ness:

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Thank you for your consideration of a matter that is of great concern to local government.

Sincerely,

A handwritten signature in black ink that reads "Paul R. Soglin". The signature is written in a cursive, flowing style.

Paul R. Soglin
Mayor

PRS:pw

Office of the Mayor

City of
Madison



Paul R. Soglin, Mayor

City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53710
608 266 4811
608 266 4443 (TDD/Device for Deaf)

May 29, 1996

Mr. James Quello
FCC Commissioner
1919 M Street NW
Room 802
Washington, DC 20554

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Paul R. Soglin
Mayor

PRS:pw

Office of the Mayor

City of
Madison



Paul R. Soglin, Mayor

City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53710
608 266 4611
608 266 4443 (TDD/Device for Deaf)

May 29, 1996

Ms. Rachelle Chong
FCC Commissioner
1919 M Street NW
Room 844
Washington, DC 20554

Dear Commissioner Chong:

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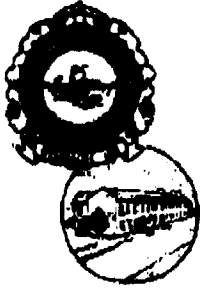
Thank you for your consideration of a matter that is of great concern to local government.

Sincerely,

A handwritten signature in cursive script that reads "Paul R. Soglin".

Paul R. Soglin
Mayor

PRS:pw



OFFICE OF THE MAYOR

City of Saint Charles, Missouri

300 North Second Street Saint Charles, Missouri 63001-2891

(314) 949-3228

(314) 949-3200

May 29, 1996 (314) 949-3275 (FAX)

ROBERT L. MOELLER
Mayor

Thomas Cochran, Executive Director
U.S. Conference of Mayors
1620 Eye Street, N.W.
Washington, DC 20006

FAX 202-293-2352

Dear Mr. Cochran:

I received the fax information from Mayor Michael Guido, Chair of Subcommittee on Communications regarding the Open Video Systems (OVS) Final Rule. I attempted to call the FCC Commissioners to voice my opposition to the rule, as requested in the fax from Mayor Guido.

However, my attempts to voice my opposition by phone was fruitless, I was told they were too busy to take my telephone call and was further informed that there was not a fax number that I could fax my opposition to the OVS Final Rule. I was told that I could send a letter in the mail. Therefore, I am faxing these comments to you and would appreciate it if you could walk a copy of this letter to the members of the FCC Commission so I can have my opposition recorded as I firmly believe that the FCC should not prevent state and local governments from making our own choices.

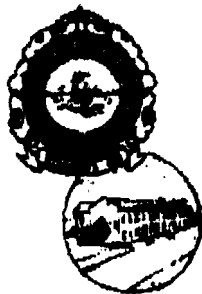
Sincerely,

Robert L. Moeller
Mayor

RLM/jch

CC: William Caton, Secretary of FCC
FCC Commissioners - Reed Hundt, Susan Ness, James Quello, Rachelle Chong
Mayor Michael Guido

OFFICE OF THE MAYOR



City of Saint Charles, Missouri

200 North Second Street Saint Charles, Missouri 63301-2891

(314) 949-3268

(314) 949-3200

(314) 949-3275 (FAX)

ROBERT L. MOELLER

Mayor

May 29, 1996

William Caton, Secretary
FCC Commission
1919 M Street, N.W.
Washington, DC 205544

Dear Mr. Caton:

I would like to go on record as firmly opposing the Open Video Systems (OVS) Final Rule. I would like my opposition recorded as I firmly believe that the FCC should not prevent state and local governments from making our own choices.

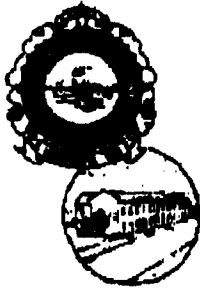
I did attempt today to call the FCC Commission office to voice my opposition and I was informed that the Commissioners were too busy to take my call and I was informed that there was not a fax number that I could fax my comments to.

Sincerely,

Robert L. Moeller
Mayor

RLM/jeh

OFFICE OF THE MAYOR



City of Saint Charles, Missouri

200 North Second Street Saint Charles, Missouri 63301-3897

(314) 949-3200

(314) 949-3200

(314) 949-3275 (FAX)

ROBERT L. MOELLER
Mayor

May 29, 1996

Reed Hundt, Chairman
FCC Commissioner
1919 M Street, N.W.
Washington, DC 205544

Dear Mr. Hundt:

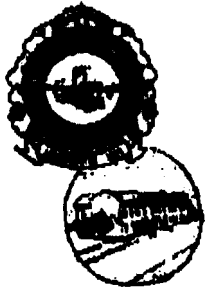
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Sincerely,

Robert L. Moeller
Mayor

RLM/jeh



ROBERT L. MOELLER
Mayor

OFFICE OF THE MAYOR

City of Saint Charles, Missouri

800 North Second Street Saint Charles, Missouri 63301-2891

(314) 949-3268

(314) 949-3200

(314) 949-3275 (FAX)

May 29, 1996

Susan Ness
FCC Commissioner
1919 M Street, N.W.
Washington, DC 205544

Dear Ms. Ness:

I would like to go on record as firmly opposing the Open Video Systems (OVS) Final Rule. I would like my opposition recorded as I firmly believe that the FCC should not prevent state and local governments from making our own choices.

I did attempt to call the FCC Commission office to voice my opposition and I was informed that the Commissioners were too busy to take my call and I was informed that there was not a fax number that I could fax my comments to.

Sincerely,

Robert L. Moeller
Mayor

RLM/jeh

SENT BY:
8-08-1995 6:48AM

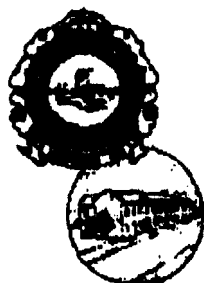
5-30-96 ; 1:17PM ;
FROM

U.S. CONF. MAYORS-

MILLER, CANFIELD:#10/16

P. 6

OFFICE OF THE MAYOR



City of Saint Charles, Missouri

200 North Second Street Saint Charles, Missouri 63301-2891

(314) 949-3288

(314) 949-3200

(314) 949-3275 (FAX)

ROBERT L. MOELLER
Mayor

May 29, 1996

James Quello
FCC Commissioner
1919 M Street, N.W.
Washington, DC 205544

Dear Mr. Quello:

I would like to go on record as firmly opposing the Open Video Systems (OVS) Final Rule. I would like my opposition recorded as I firmly believe that the FCC should not prevent state and local governments from making our own choices.

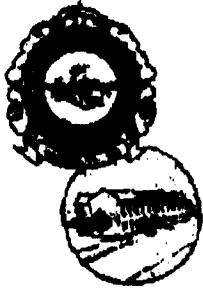
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Sincerely,

Robert L. Moeller
Mayor

RLM/jeh

OFFICE OF THE MAYOR



City of Saint Charles, Missouri

200 North Second Street Saint Charles, Missouri 63301-2001

(314) 949-3258

(314) 949-3200

(314) 949-3275 (FAX)

ROBERT L. MOELLER
Mayor

May 29, 1996

Rachelle Chong
FCC Commissioner
1919 M Street, N.W.
Washington, DC 205544

Dear Ms. Chong:

I would like to go on record as firmly opposing the Open Video Systems (OVS) Final Rule. I would like my opposition recorded as I firmly believe that the FCC should not prevent state and local governments from making our own choices.

I did attempt today to call the FCC Commission office to voice my opposition and I was informed that the Commissioners were too busy to take my call and I was informed that there was not a fax number that I could fax my comments to.

Sincerely,

Robert L. Moeller
Mayor

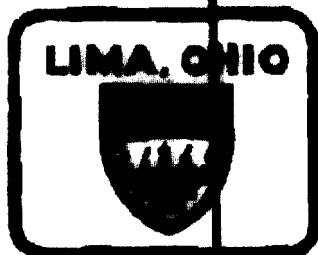
RLM/jeh

SENT BY:
MAY. -30' 96 (THU) 10:25

5-30-96 ; 1:18PM ;
CITY OF LIMA FINANCE

U.S. CONF. MAYORS-
TEL: 419 221 5199

MILLER, CANFIELD: #12/16
P. 002



CITY OF LIMA, OHIO

David J. Berger, Mayor

50 Town Square Lima, Ohio 43001-4900 419/228-5462 Fax 419/221-5214

TO: Federal Communications Commissioners

Reed Hunt, Chairman
Rachelle Chong, Commissioner
Susan Ness, Commissioner
James Quello, Commissioner

FROM: David J. Berger, Mayor

DATE: May 29, 1996

RE: Final Rule on Open Video Systems

It is my understanding that very shortly you will be acting to establish federal regulations concerning the development of Open Video Systems by local telephone companies and others under the new "Telecommunications Act of 1996." I write to express in the strongest possible terms the City of Lima's concerns regarding the rules that you will be considering.

Our community has a substantial interest in the outcome of your decisions. I urge, in the spirit of the discussions that guided the passage of the Telecommunications Act of 1996, that the public rights-of-way be thoroughly respected by the Rules which the Commission will be adopting. Specifically, I ask that the Final Rule in no way preempt the ability of local government to manage public property, either municipal or state-owned.

Second, the Rule should continue local municipal authority to establish telecommunications franchises and other mechanisms for the control of private for-profit uses of public property such as rights-of-way. And third, the Commission should direct all of its future Rules in such a way that there be no imposition upon those local public property rights.

Local rights-of-way can best be managed by local government officials. Issues relating to the management of these public rights-of-ways should not be constrained by federal rules and regulations. I ask for your cooperation in this regard.



City of Boca Raton

201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3730 • (407) 363-7708



MAYOR
CAROL G. HANSON
DEPUTY MAYOR
BILL GLASS

COUNCIL MEMBERS
STEVEN L. ABRAMS
WANDA E. THAYER
SUSAN WHELCHIEL

May 29, 1996

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Dear Chairman Hundt:

On behalf of the City of Boca Raton, Florida, I want to express my concern regarding the pending action that the Federal Communication Commission (FCC) is considering regarding the implementation of Section 302 of the new Federal Communications Act.

Such action could reverse what is so important to states' and cities' ability to maintain authority to establish franchise processes and other appropriate mechanisms to guide compensation and control of private uses of public property, such as local rights-of-way. The final OVS rule should not preempt traditional state and local prerogatives in managing state and local property.

The FCC should not direct its actions that affect state and local property rights. Thank you for your serious consideration of this matter.

Sincerely,

Carol G. Hanson
Mayor

c: City Council
Donna A. Dreska, City Manager

Post-It® Fax Note	7871	Date	5/30/96
To	Kenn McCarty	From	Mayor Hanson
On/By	U.S. Conf. of Mayors	City of Boca Raton	
Phone #		Phone #	407-363-7708
Fax #	800-293-2952	Fax #	407-367-7014

City of Boca Raton

201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3730 • (407) 383-7708



MAYOR
CAROL G. HANSON
DEPUTY MAYOR
BILL GLASS

COUNCIL MEMBERS
STEVEN L. ABRAMS
WANDA E. THAYER
SUSAN WHELCHER

May 29, 1996

The Honorable Susan Ness
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Dear Commissioner Ness:

On behalf of the City of Boca Raton, Florida, I want to express my concern regarding the pending action that the Federal Communication Commission (FCC) is considering regarding the implementation of Section 302 of the new Federal Communications Act.

Such action could reverse what is so important to states' and cities' ability to maintain authority to establish franchise processes and other appropriate mechanisms to guide compensation and control of private uses of public property, such as local rights-of-way. The final OVS rule should not preempt traditional state and local prerogatives in managing state and local property.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Carol G. Hanson", is written over a horizontal line.

Carol G. Hanson
Mayor

cc: City Council
Donna A. Dreska, City Manager

SENT BY:

5-30-96 : 1:20PM :

U.S. CONF. MAYORS-
May 30 '96

MILLER, CANFIELD:#15/16
10:25 No.006 P.03

City of Boca Raton

201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3730 • (407) 393-7708



MAYOR
CAROL G. HANSON
DEPUTY MAYOR
BILL GLASS

COUNCIL MEMBERS
STEVEN L. ABRAMS
WANDA E. THAYER
SUEAN WHELCHER

May 29, 1996

The Honorable James Quella
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Dear Commissioner Quella:

On behalf of the City of Boca Raton, Florida, I want to express my concern regarding the pending action that the Federal Communication Commission (FCC) is considering regarding the implementation of Section 302 of the new Federal Communications Act.

Such action could reverse what is so important to states' and cities' ability to maintain authority to establish franchise processes and other appropriate mechanisms to guide compensation and control of private uses of public property, such as local rights-of-way. The final OVS rule should not preempt traditional state and local prerogatives in managing state and local property.

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Carol G. Hanson
Mayor

c: City Council
Donna A. Dreska, City Manager

SENT BY:

5-30-96 : 1:20PM :
TEL 407-367-7014

U.S. CONF. MAYORS-
May 30 '96

MILLER, CANFIELD:#16/16
10:25 No.006 P.04

City of Boca Raton

201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3730 • (407) 398 7708



MAYOR
CAROL G. HANSON
DEPUTY MAYOR
BILL GLASS

COUNCIL MEMBERS
STEVEN L. ABRAMS
WANDA E. THAYER
SUSAN WHELCHER

May 29, 1996

The Honorable Rachelle Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

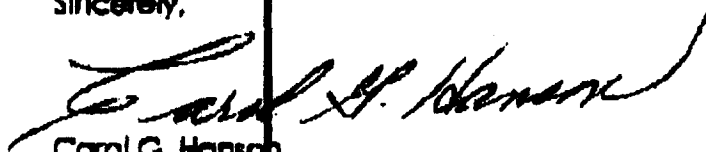
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Donna A. Dreska, City Manager